



ALABAMA DEPARTMENT OF TRANSPORTATION

Bureau of County Transportation

1409 Coliseum Blvd., Montgomery, Alabama 36110-2060

Phone: (334) 242-6206 FAX: (334) 353-6530

Internet: <http://www.dot.state.al.us>



Bob Riley
Governor

Joe McInnes
Transportation Director

June 9, 2006

MEMORANDUM 2006 - 18

TO: All County Engineers and
Division County Transportation Engineers

FROM: John F. Courson
County Transportation Engineer

By: Thomas B. Moore Jr.
Thomas B. Moore Jr.
Design and Plans Engineer

RE: **Procedural Guidelines**
ROW Acquisition

Attached is a copy of the updated Procedures for County-Aid Right-Of-Way Acquisition. These procedures are effective immediately for any projects for which right-of-way acquisition has not begun. These procedures will supersede the right-of-way acquisition procedures under "Section 6" of the 1997 Procedural Guidelines for County Projects.

The policies and sample submittals, as contained in these procedures, should be strictly adhered to for all future project submittals to ensure that project federal funding is not jeopardized. These procedures have been reviewed by both FHWA and the Right-Of-Way Bureau for compliance with federal regulations.

You may contact this office if you have any questions regarding these new procedures.

JFC:TBM:wkn

Pc: Mr. Paul Bowlin

FHWA - Mr. David Johannes

File

Procedures For County-Aid Right Of Way Acquisition

Note: This document is a section of the County Transportation Manual, and is provided on the Alabama Department of Transportation webpage as a reference document for informational purposes only. This will be posted under the “Procedural Guidelines for County Projects” web page at the following link:

<http://www.dot.state.al.us/Docs/Bureaus/County+Transportation/Documentation>

The policies contained within this document are effective immediately for any projects for which right-of-way acquisition has not begun. Any questions related to the information contained within this document should be directed to ALDOT’s County Transportation Engineer.

Forms “A-7A” (Waiver Valuation) and “ROW-RA-1” (Preliminary Project Relocation Analysis), as referenced in these procedures, are available in downloadable format from the Right-of-Way Bureau’s web page at the following link:

<http://www.dot.state.al.us/Docs/Bureaus/Right+of+Way/Forms+Grid+ROW.htm>

RIGHT-OF-WAY ACQUISITION ON FEDERAL AID CONSTRUCTION PROJECTS

The following procedures **MUST** be followed in acquiring right-of-way (ROW) on all Federal Aid Projects. **FAILURE TO FOLLOW THESE PROCEDURES IN ACQUIRING RIGHT-OF-WAY ON MAJOR COLLECTOR PROJECTS AFTER DECEMBER 1969, AND ON MINOR COLLECTOR AND LOCAL ROAD AND STREET PROJECTS AFTER JANUARY 4, 1975, WILL MAKE THE PROJECT INELIGIBLE FOR FEDERAL AID FUNDING.** The minimum right-of-way required when new or additional right-of-way is obtained is 80 feet (24 meters) unless there is adequate justification and approval by the Bureau of County Transportation for less. **No Federal or State aid will be provided for right-of-way acquisition.**

If right-of-way is to be acquired on a *Federal Aid* project, a cultural resource assessment *must* be submitted to the Bureau of County Transportation. *State funded* projects *do not* require this assessment.

1. **UNDER NO CIRCUMSTANCES SHOULD RIGHT-OF-WAY BE ACQUIRED BEFORE THE CATEGORICAL EXCLUSION IS APPROVED AND YOU ARE ADVISED TO PROCEED WITH RIGHT-OF-WAY ACQUISITION BY THE BUREAU OF COUNTY TRANSPORTATION.** Once the categorical exclusion is approved, the County Engineer will be notified by the Bureau of County Transportation to proceed with right-of-way acquisition.
2. Acquisition of property on Federal-aid projects must be in accordance with Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, commonly called the Uniform Act. In addition to adhering to the following procedures, you should become familiar with the Bureau of Right of Way's Appraisal and Negotiations Procedural Manuals for additional guidance. These procedures are in accordance with the Uniform Act regulations and can be accessed at the Right-of-Way Bureau's web page:

<http://www.dot.state.al.us/Docs/Bureaus/Right+of+Way/Right+of+Way.htm>.

It must be documented in the county's files that each affected property owner was fully informed of his/her right to receive just compensation based on an appraisal for the acquisition of his/her property. If, after being so advised, the property owner is willing to donate and release the county from its obligation to appraise the property, he/she should be asked to sign a form similar to the example on page 6.4. If the owner does not want to sign the form, it should be noted, and the County Engineer or negotiator should state on the form that the owner understood all of his/her legal options in the acquisition of his/her property.

3. If the owner donates the property, the county accepts his/her donation and processes the title to the property in the usual manner.
4. If the owner indicates he/she wants compensation and the property value is anticipated to be *greater than* \$10,000.00, then an appraisal **MUST** be made by a qualified appraiser and reviewed by a qualified review appraiser (for right-of-way acquisition of property values of \$10,000.00 or less, see Section 6 below). At this point, the Division office **MUST** be contacted for appraisal and appraisal review assistance before any further discussion with the property owner concerning compensation is conducted. **IMPORTANT** – The property owner must be given an opportunity to accompany the appraiser during the examination of his/her property.

RIGHT-OF-WAY ACQUISITION ON FEDERAL AID CONSTRUCTION PROJECTS
(continued)

5. After the offer of just compensation has been determined based on the appraisal review, the County Engineer or his designee can negotiate for the property. This person must be someone other than the appraiser or review appraiser, except when the value of the acquisition is \$10,000.00 or less. This initial offer must conform to the amount contained in the review appraiser's determination of value. This offer must be furnished to the property owner in writing (see example on pages 6.5 and 6.6 – written offer to property owner). The breakdown of the offer at the end of this letter **MUST** be completed. This negotiation should be made promptly after the offer is determined. Any counteroffer considered reasonable by the County Engineer is to be recommended to the Division Right of Way Engineer for approval in accordance with ALDOT policy. If an agreement cannot be reached, then acquisition by condemnation should proceed in the usual manner. A record of the negotiations must be kept, which would include the date owners are contacted, amount of offer, counteroffers, etc. A copy should be furnished to the property owner and one copy should be retained in the county's file.
6. When the property to be acquired has a value anticipated to be \$10,000.00 or less and the valuation problem is uncomplicated, the county may prepare a waiver valuation instead of an appraisal. The written offer forms shown on pages 6.7 and 6.8 should be used. The property owner must sign this form.

After the "Waiver Valuation" form (example on page 6.10) has been completed, it should be submitted to the Division Right of Way Engineer for approval. After approval, the form will be returned to the county, and negotiations for the property can proceed.

7. As soon as the right-of-way has been acquired and recorded, a right-of-way recording Data letter giving property owners, date of acquisition, method acquired (donation, purchase, and/or condemnation), and deed book and page where recorded shall be submitted to the Bureau of County Transportation, through the appropriate Division. See example on page 6.13.
8. A right-of-way certification **MUST** be submitted to the Bureau of County Transportation, through the Division, at this time. If the right-of-way was purchased or condemned, provide in this letter a total cost. For newly acquired right-of-way where Federal guidelines were followed use example on page 6.17.

For projects where right-of-way was acquired prior to December 1969 (major collectors) or January 4, 1975 (minor collectors and local roads and streets), use the example on page 6.15. Submit one (1) originally signed copy to the Bureau of County Transportation, through the Division.

If ROW was acquired after December 1969 (major collectors) and January 4, 1975 (minor collectors and local roads and streets) and the ROW was acquired for a previously constructed Federal Aid project, submit a ROW certification similar to the one on page 6.16.

9. All ROW work involving displacement and relocation of occupants will be performed by the appropriate Division personnel.

EXAMPLE LETTER TO PROPERTY OWNERS

_____ COUNTY
COUNTY ENGINEERING DEPARTMENT
_____, ALABAMA

Property Owner's Name & Address

Dear Sir:

RE: Project No. _____
County No. _____
Tract No. _____ County

_____ County is in the process of acquiring Rights-of-Way for the purpose of constructing the above referenced project.

The proposed construction of this project will necessitate the acquisition of approximately _____ acre(s) of your property, which is identified as Tract No. _____ on our Right-of-Way map. You have the right to receive just compensation based on an appraisal made of your property.

The County recognizes the value of your property, and it is generally known that property along an improved road brings a higher price and is in greater demand than similarly situated property on an unimproved route, all other factors being equal. If you are in agreement with the above and desire to donate the property for the Right-of-Way on this property, please acknowledge same by signing the lower portion of this letter in the space provided.

Yours truly,

County Engineer
_____ County

ACKNOWLEDGEMENT:

This is to certify that I have been advised of my right to receive just compensation based on an appraisal made of my property and that I desire to donate the property for the right-of-way..

Property Owner

Date

EXAMPLE OF WRITTEN OFFER TO PROPERTY OWNERS WHEN APPRAISAL IS MADE

COUNTY
COUNTY ENGINEERING DEPARTMENT
_____, ALABAMA

Property Owner's Name & Address

Dear Sir:

RE: Project No. _____
County No. _____
Tract No. _____
County _____

_____ County is in the process of acquiring Rights-of-Way for the purpose of constructing the above referenced projects.

The proposed construction of this project will necessitate the purchase of approximately _____ acre(s) of your property, which is identified as Tract No. _____ on our Right-of-Way map. We have had your property appraised by a qualified independent or staff real estate appraiser, who was instructed to make a careful study of all legally compensable elements of value which contribute to the present worth of your property. The appraiser was also instructed to carefully consider the effect of the project on the value of your remaining lands and improvements, if any. A breakdown of the offer due you is given below.

Should this offer not be acceptable, and no reasonable compromise can be reached, it will be necessary to acquire your property by exercising the right of Eminent Domain as set out by Alabama Law. In such proceedings, a petition of condemnation is filed in the Probate County of _____ County. The Probate Court appoints a three-member commission to indicate the price to be paid by the County. These commission members view the property, hear testimony from both sides, and then arrive at their estimate of value. Should you or the County be dissatisfied with the price set by the commission, either party may request a trial in the Circuit Court. This action must be taken promptly as the Courts specify a time limit for taking such appeals. The valuation set by the Circuit Court is binding on both parties unless it can be established that some part of the court proceedings was irregular, in which case an appeal by either your or the County may result in a second trial.

The person delivering this letter to you is employed by the _____ County Engineering Department. He/she can explain to you the elements of value which constitute our offer and the effect of the Right-of-Way acquisition on your remaining property, if any. This person is also in a position to answer your questions relative to the procedure outlined above.

Yours truly,

County Engineer

EXAMPLE OF WRITTEN OFFER TO PROPERTY OWNERS (Continued)

Delivered By: _____ - Negotiator Date
Delivered: _____
Received By: _____ - Owner Date
Received by Owner: _____

BREAKDOWN OF OFFER

Land - - - - - \$ _____

Improvements - - - - - \$ _____

Damages to Remaining Land
and/or Improvements - - - - - \$ _____

Cost of Relocating Improvements - - - - - \$ _____

County's Contractor to Relocate

Sub Total \$ _____

Less Enhancement to Remaining Land - - - - - \$ _____

TOTAL AMOUNT OF OFFER DUE - - - - - \$ _____

EXAMPLE OF WRITTEN OFFER TO PROPERTY OWNERS WHEN NO APPRAISAL IS MADE

COUNTY
COUNTY ENGINEERING DEPARTMENT
_____, ALABAMA

Property Owner's Name & Address

Dear Sir:

RE: Project No. _____
County No. _____
Tract No. _____
County _____

_____ County is in the process of acquiring Rights-of-Way for the purpose of constructing the above referenced projects.

The proposed construction of this project will necessitate the purchase of approximately _____ acre(s) of your property, which is identified as Tract No. _____ on our Right-of-Way map. We have estimated the value of your property that is needed for construction of the above referenced project. A breakdown of the offer due you is given below.

Should this offer not be acceptable, and no reasonable compromise can be reached, it will be necessary to acquire your property by exercising the right of Eminent Domain as set out by Alabama Law. In such proceedings, a petition of condemnation is filed in the Probate Court of _____ County. The Probate Court appoints a three-member commission to indicate the price to be paid by the County. These commission members view the property, hear testimony from both sides, and then arrive at their estimate of value. Should you or the County be dissatisfied with the price set by the commission, either party may request a trial in the Circuit Court. This action must be taken promptly as the Courts specify a time limit for taking such appeals. The valuation set by the Circuit Court is binding on both parties unless it can be established that some part of the court proceedings was irregular, in which case an appeal by either you or the County may result in a second trial.

The person delivering this letter to you is employed by the _____ County Engineering Department. He/she can explain to you the elements of value which constitute our offer and the effect of the Right-of-Way acquisition on your remaining property, if any. This person is also in a position to answer your questions relative to the procedure outlined above.

Yours truly,

County Engineer

EXAMPLE OF WRITTEN OFFER TO PROPERTY OWNERS (Continued)

Delivered By: _____ - Negotiator

Date Delivered: _____

Received By: _____ - Owner

Date Received by Owner: _____

BREAKDOWN OF OFFER

Land - - - - - \$ _____

Improvements - - - - - \$ _____

Damages to Remaining Land
and/or Improvements - - - - - \$ _____

Cost of Relocating Improvements - - - - - \$ _____

County's Contractor to Relocate

Sub Total \$ _____

Less Enhancement to Remaining Land - - - - - \$ _____

TOTAL AMOUNT OF OFFER DUE - - - - - \$ _____

WAIVER VALUATION

The following is the minimum requirements for proper completion of the County Waiver Valuation Form. This form may be expanded to legal size or a second page to allow room for inclusion of all needed information.

A property plat is not required with the submission of each separate tract form when a right of way map is submitted. It is suggested this map conform to ALDOT mapping standards published in the Engineering Section on the Right of Way Bureau website. However, at a minimum, the map should identify the project location, specific tract numbers, the owner's name, the total "before", "after", and "acquired" areas of the affected tract(s), clearly labeled existing and acquired right of way, and labeled topography of any buildings or minor site improvements within or near the area of acquisition. A separate plat attached to each report will be required containing the above stated information if no map is submitted for the ALDOT review.

WAIVER VALUATION

(The valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000.00 or less, based on a review of available data)

Owner(s): _____
Property Address: _____

RW/CPMS No. _____
Project No. _____
Tract No. _____
County _____

This is an appraisal waiver as described in 49 CFR Part 24.2(a)(33). This form is intended to comply with the basic acquisition policy as described in 49 CFR Part 24.102 (c) (2) (ii). The value determination assigned to this tract is based on a review of:

- ☐ Comparable sales in the report on Tract _____, Project No. _____, County _____
- ☐ Comparable sale(s) number _____ in the Master File of (name of appraiser) _____, Project No. _____, County _____
- ☐ Data contained in the project files in the County Engineer's office of _____ County.

BASIS OF WAIVER VALUATION:

Land To Be Acquired:	0.0000	Ac.	@	\$0.00	Per Ac	=
Temporary Easement(s)	Show Calculations					=
Minor Site Improvement(s):						=
Cost to Cure Item(s):						=
	Total					=
	Rounded					=

I hereby certify that I have no interest, direct or indirect, in the real property being valued herein.

Waiver Valuation Preparer: _____

County Engineer or Applicable Title

Date of Waiver Valuation: _____

APPROVAL:

I have considered this waiver valuation and hereby approve (\$0.00) for negotiations. See attached memo if amount is different from the above waiver valuation or \$500.00 minimum payment.

type name
Division Right of Way Engineer

Date: _____

cc: Mr. Paul Bowlin
File ()

FORM ROW-RA-1

Revised 3/01

**ALABAMA DEPARTMENT OF TRANSPORTATION
PRELIMINARY PROJECT RELOCATION ANALYSIS**

(To be prepared prior to Corridor Public Hearing)

Project No. _____ County: _____
 Description _____ Alternate No. _____

DISPLACEMENT AND REPLACEMENT HOUSING INVENTORY ESTIMATE

ESTIMATED NUMBER DISPLACEES						INCOME LEVEL			
				Minority					Over
Type of Displacees	Owners	Tenants	Total	Own.	Ten.	*0-15	15-30	30-50	50
Individuals and Families									
Businesses									
Farms									
Non-Profit Organizations									
Signs									

OWNERS		VALUE OF DWELLING			
DISPLACED DWELLINGS	*0-40	40-60	60-80	80-100	Over 100
1 - 3 BEDROOMS					
4 - OVER BEDROOMS					
AVAILABLE DWELLINGS					
1 -3 BEDROOMS					
4 - OVER BEDROOMS					

TENANTS		MONTHLY RENTAL RATE			
DISPLACED UNITS	\$0-150	\$151-300	\$301-400	\$401-500	\$501 +
1 - 3 BEDROOMS					
4 - OVER BEDROOMS					

AVAILABLE UNITS

1 - 3 BEDROOMS					
4 - OVER BEDROOMS					

Items numbered 1 through 7 (attached) must be answered and explained. Number the corresponding responses and attach additional pages as needed.

I certify that the above is a realistic estimate.

Date: _____ Signed: _____ Title: Division Relocation Officer

(Submit in duplicate to Bureau of Right of Way)

Attached: Narrative Explanations

*Denotes Thousands

**DSS dwellings currently available.

FORM ROW-RA-1 (continued)

The information listed below must be furnished as a narrative analysis to the extent appropriate for the project and in accordance with 49 CFR 24.205 and Section III, Paragraph G, of the State's Relocation Assistance Manual.

1. An estimate of the number of households to be displaced, including the family characteristics (e.g. Minority, ethnic, handicapped, elderly, large family, income level and owner/tenant status). However, where there are very few displacees, information on race, ethnicity and income levels should not be included in the EIS to protect the privacy of those affected.
2. A discussion comparing available (decent, safe and sanitary) housing in the area with the housing needs of the displacees. The comparison should include: (1) price ranges, (2) sizes (number of bedrooms), and (3) occupancy status (owner/tenant).
3. A discussion of any affected neighborhoods, public facilities, non-profit organizations and families having special composition (e.g. ethnic, minority, elderly, handicapped or other factors) which may require special relocation considerations and the measures proposed to resolve these relocation concerns.
4. A discussion of the measures to be taken where the existing housing inventory is insufficient, does not meet relocation standards, or is not within the financial capability of the displacees. A commitment to the last resort housing should be included when sufficient comparable replacement housing may not be available.
5. An estimate of the numbers, descriptions, types of occupancy (owner/tenant) and sizes (number of employees) of businesses and farms to be displaced. Additionally, the discussion should identify: (1) sites available in the area to which the affected businesses may relocate. (2) Likelihood of such relocation, and (3) potential impacts on individual businesses and farms caused by displacement or proximity of the proposed highway if not displaced.
6. A discussion of the results of contacts, if any, with local governments, organizations, groups and individuals regarding residential and business relocation impacts, including any measures or coordination needed to reduce general and/or specific impacts. These contacts are encouraged for projects with large numbers of relocatees or complex relocation requirements. Specific financial and incentive programs or opportunities (beyond those provided by the Uniforms Relocation Act) to residential and business relocatees to minimize impacts may be identified, if available through other agencies or organizations.
7. A statement that: (1) the acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended, 42 U.S.C. 4601 *et seq.* (the Uniform Act) as published in the *Federal Register* / Vol. 70, No. 2 / Tuesday, January 4, 2005 / Rules and Regulations; and by the Surface Transportation & Uniform Relocation Assistance Act of 1987, and (2) relocation resources are available to all residential and business relocatees without discrimination.

RIGHT-OF-WAY RECORDING DATA LETTER (ACQUIRED) - EXAMPLE

OFFICE OF
DALE COUNTY ENGINEER
OZARK, ALABAMA 36361

TELEPHONE .(334) 774-5875

October 3, 2005

Mr. John F. Courson
County Transportation Engineer
Alabama Department of Transportation
1409 Coliseum Blvd.
Montgomery, AL 36110-2060

RE: DCP-23-10-94
BRZ-2300 ()
Dale County

Dear Mr. Courson:

Listed below are the property owners from which right-of-way was acquired for the above referenced project. Listed opposite of the property owners are the dates of acquisition, methods of acquisition, deed books and page numbers of recording.

<u>PROPERTY OWNER</u>	<u>ACQUISITION</u>	<u>METHOD ACQUIRED</u>	<u>DEED BOOK & PAGE NUMBER</u>
George Newman	7/19/94	Donated	Book 183 Page 705
Sarah Nell Richter	7/8/94	Donated	Book 183 Page 707
Curtis N. Perters, Jr.	7/19/94	Donated	Book 183 Page 703

If further information is needed, please advise.

Very truly yours,

Derek S. Brewer
County Engineer

RIGHT- OF - WAY RECORDING LETTER (EXISTING) – EXAMPLE

(DATE)

Mr. John F. Courson
County Transportation Engineer
Alabama Department of Transportation
1409 Coliseum Blvd.
Montgomery, AL 36110-2060

Dear Sir:

RE: Project No. _____
County No. _____
Tract No. _____
County _____

The basic R.O.W. width of the above subject proposed project is 80 feet, 40 feet each side of the centerline. The R.O.W. was acquired in 1963 by Henry County as Project No. SACP-7609-A and recorded in Deed Book No. 65, Pages 31 and 32 in the Henry County Courthouse. No additional R.O.W. is needed.

County Engineer

RIGHT-OF-WAY CERTIFICATION- EXAMPLE

(date)

Mr. John F. Courson
County Transportation Engineer
Alabama Department of Transportation
1409 Coliseum Blvd.
Montgomery, AL 36110-2060

Dear Mr. Courson:

RE: Project No. _____
County No. _____
County _____

I hereby certify that _____ County, Alabama, acquired this Right-of-Way for the above referenced project prior to the effective date of provisions of the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federally Assisted Programs as contained in 49 CFR, Part 24 (Code of Federal Regulations) and the "Authorization" provisions as contained in 23 CFR, Part 635.309(c). No additional Right-of-Way was acquired.

Signed _____

Title _____
(County Engineer,
Chairman – County Commission,
or Judge of Probate)

RIGHT-OF-WAY CERTIFICATION - EXAMPLE

BIBB COUNTY ENGINEER
11 CHURCH STREET
CENTREVILLE, ALABAMA 35042

April 28, 1994

Mr. John F. Courson
County Transportation Engineer
Alabama Department of Transportation
1409 Coliseum Blvd.
Montgomery, AL 36110-2060

RE: Project No. _____
County No. _____
County _____

Dear Mr. Courson:

I hereby certify that _____ County has complied with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federally Assisted Programs for the above referenced project, as contained in 49 CFR, Part 24 (Code of Federal Regulations) and the "Authorization" provisions as contained in 23 CFR, Part 635.309(c).

Bibb County acquired _____' of right-of-way, for this road, in _____, as part of Project _____.

Your approval of this certification is hereby requested, in order that we may proceed with advertisements for bids for physical construction of this project.

Very truly yours,

County Engineer

RIGHT-OF-WAY CERTIFICATION- EXAMPLE

(Date)

Mr. John F. Courson
County Transportation Engineer
Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, AL 36110-2060

Dear Mr. Courson:

RE: Project No. _____
County No. _____ County

I hereby certify that _____ County has complied with the applicable provisions of the Uniform Relocation Assistance and Real Property Acquisition Regulations for Federally Assisted Programs for the above referenced project as contained in 49 CFR, Part 24 (Code of Federal Regulations) and the "Authorization" provisions as contained in 23 CFR, Part 635.309(c).

There was/were _____ property owner(s).

1. () Donated
2. () Purchased (Total Price \$ _____)
3. () Condemned (Total Price \$ _____)
4. () Administrative Settlement [Above initial offer (See 49 CFR, Part 24.102(i))
(Total Price \$ _____)
5. Total Compensation (Line Items 2 – 4)
\$ _____

Your approval of this certification is hereby requested in order that we may proceed with advertisements for bids for physical construction of this project.

Signed _____
Title _____
(County Engineer,
Chairman – County Commission,
Or Judge of Probate)